

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

FILED

JAN - 8 2010

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY DEPUTY CLERK

MEMORANDUM

Honorable Edward J. Garcia
Senior United States District Judge
Sacramento, California

RE: **Melvin Anthony AMAREL**
Docket Number: 2:92CR00192-01 *EJG*

**APPLICATION FOR PARDON/
RELEASE OF PRESENTENCE
REPORT**

Your Honor:

On August 31, 1992, Melvin Anthony Amarel plead guilty to 15 USC 714m(c) - Conversion of Property; and 15 USC 714m(a) - False Statement. He was sentenced on December 14, 1992, to 18 months imprisonment on each count to be served concurrently, 3 years supervised release, and ordered to pay a \$150,000 fine, and \$305,704.81 in restitution. Supervision commenced on May 20, 1994; however, term of supervised release was revoked on September 5, 1995, and Mr. Amarel was committed to the custody of the Bureau of Prisons for 10 months with no supervision to follow.

Mr. Amarel has applied for a pardon. To assist in the evaluation of his pardon application, the pardon attorney has requested copies of Mr. Amarel's original presentence report, J&C, and Statement of Reasons, and any comments regarding his adjustment while under supervision.

The one concern we have with the pardon office's request for the presentence report is, the statement that **"for privacy reasons, we do not make any clemency applications or other documents in the clemency file available to the public, although we routinely share them with government officials from whom we seek views on the clemency request."** Such statements suggest that other government officials may have the opportunity to access the presentence report from the pardon attorney without first petitioning this Court for approval. However, the pardon attorney has clarified that his

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office would only (if needed) share the report with the United States Attorney's Office, who should already have a copy, or members of the pardon or White House staff who have demonstrated a need to know.

Unless otherwise instructed by Your Honor, and for the reasons discussed herein, the probation officer recommends we release the requested documents to the Office of Pardons, with a caveat that the requested material not be further disclosed. Additionally, we plan to take no position on whether or not clemency is granted.

Respectfully submitted,

/s/

JOE E. GLASPIE
Deputy Chief United States Probation Officer

Dated: December 14, 2009
Sacramento, California
JEG:sc

THE COURT ORDERS:

- ☒ Release of presentence report as recommended.
- ☐ Release of presentence denied at this time. Probation Officer to contact Court.
- ☐ Other:

Date

1/7/10

Signature of Judicial Officer

Elle J. Jamie